

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALAN MERRIFIELD, et al.,

Plaintiffs,

v.

BILL LOCKYER, et al.,

Defendants

No. 04-0498 MMC

**ORDER STRIKING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE TO REILING;
SETTING BRIEFING SCHEDULE;
VACATING TRIAL DATE**

Before the Court is defendants' response to the Court's order, filed May 9, 2005, directing defendants to show cause why defendants' motion for summary judgment should not be stricken for failure to comply with Civil Local Rule 7-2(b).

Having reviewed defendants' response, the Court finds defendants have failed to show good cause for the filing of an oversized motion. Accordingly, defendants' motion for summary judgment is hereby STRICKEN, without prejudice to defendants' refiling a motion for summary judgment that comports with the limitations set forth in Civil Local Rule 7-2(b).

In light of the parties' representations that plaintiff's claims can be resolved by cross-motions for summary judgment without the need for a court trial, the Court hereby sets the following briefing schedule:

1. Defendants shall file a motion for summary judgment no later than May 20, 2005.
2. The parties shall file oppositions no later than June 3, 2005.

